

NOTE: THE FOLLOWING PROPOSED ZONING AMENDMENT TO ESTABLISH A BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT HAS INCORPORATED RECOMMENDATIONS BY COMMUNITY REPRESENTATIVES OF THE BOYLSTON STREET ZONING CITIZENS' REVIEW COMMITTEE - JANUARY 23, 1986

Text Amendment Application No.
Boston Redevelopment Authority
Boylston Street Interim Planning
Overlay District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, by inserting after Article 27A, for a period of twelve months from the effective date of this amendment, the following Article:

ARTICLE 27B

BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

SECTION 27B-1: Statement of Purpose.

(a) In order to preserve the health, safety, convenience and welfare of inhabitants of the City of Boston for the purpose of preserving and enhancing certain portions of the city in the vicinity of Boylston Street, and to conserve the value of land and buildings, to encourage the most appropriate use of land throughout the city, to lessen congestion in the streets, to provide adequate light and air, and to prevent overcrowding of land, there is hereby established a zoning district to be known as the Boylston Street Interim Planning Overlay District.

(b) The district is established for the following purposes: (1) to determine appropriate height limits balancing the demands of new development with the existing environment and the requirements for light and air; (2) to ensure that appropriate transitions in height and setback exist within the District; (3) to determine appropriate floor area ratios in order to avoid excessive traffic and parking problems; (4) to encourage the preservation of historic structures and maintenance of architectural diversity in the district; (5) to encourage mixed-use development, where appropriate, which combines residential and commercial uses; (6) to prevent excessive development impacts on public open space; and (7) to reinforce Boylston Street as a pedestrian link between the Fenway and the Boston Common.

SECTION 27B-2: Physical Boundaries.

The Boylston Street Interim Planning Overlay District includes such portions of the present B-10-155, B-10, B-8, B-8-D, B-4, and B-2 subdistricts in Boston Proper as are within the following boundaries: from the northwesterly corner of St. James Avenue and Arlington Street, northerly along Arlington Street to Public Alley No. 438; westerly along Public Alley No. 438 and on an extension thereof through the property between Clarendon and Berkeley Streets to Public Alley No. 439; westerly along Public Alleys No. 439, 440, 441, 442, 443, and 444 to Massachusetts Avenue; southerly along Massachusetts Avenue to Belvidere Street; southwesterly along Belvidere Street to St. Cecilia Street; northeasterly along St. Cecilia Street to Scotia Street; southwesterly along Scotia Street to Dalton Street; northerly along Dalton Street to a point 120 feet south of the southerly sideline of Boylston Street; easterly along a line parallel to and 120 feet south of said southerly sideline of Boylston Street to Exeter Street; southerly along Exeter Street to Huntington Avenue; easterly along Huntington Avenue to Blagden Street; and easterly along St. James Avenue to Arlington Street.

The district is divided into ten subdistricts as defined by the following boundaries:

a. Upper Boylston Street I

From the northwesterly corner of Boylston and Fairfield Streets, northerly along Fairfield Street to Public Alley No. 442; westerly along Public Alleys No. 442, 443, 444, and an extension thereof to Massachusetts Avenue; southerly along Massachusetts Avenue to Boylston Street; easterly along Boylston Street to Fairfield Street.

b. Upper Boylston Street II

From the corner of Dalton and Scotia Streets, northerly along Dalton Street to Cambria Street; northwesterly along Cambria Street to Boylston Street; westerly along Boylston Street to Massachusetts Avenue; southerly along Massachusetts Avenue to Belvidere Street; southeasterly along Belvidere Street to St. Cecilia Street; northeasterly along St. Cecilia Street to Scotia Street; and southeasterly along Scotia Street to Dalton Street.

c. Upper Boylston Street III

From a point in the center of Exeter Street one hundred and twenty (120) feet south of the southerly sideline of Boylston Street at Exeter Street, northerly along Exeter Street to Boylston Street; westerly along Boylston Street to Cambria Street; southeasterly along Cambria Street to Dalton Street; northerly along Dalton Street to a point 120 feet south of the southerly sideline of Boylston Street; easterly along a line parallel to and 120 feet south of said southerly sideline of Boylston Street to Exeter Street.

d. Boylston Street Northside I (Exeter Street to Fairfield Street)

From the northwesterly corner of Boylston and Exeter Streets, northerly along Exeter Street to Public Alley No. 441; westerly along Public Alley No. 441 to Fairfield Street; southerly along Fairfield Street to Boylston Street; and easterly along Boylston Street to Exeter Street.

e. Copley Square (Clarendon Street to Exeter Street)

From the northwesterly corner of St. James Avenue and Clarendon Street, northerly along Clarendon Street to Public Alley No. 439; westerly along Public Alleys No. 439 and 440 to Exeter Street; southerly along Exeter Street to Blagden Street; and easterly along Blagden Street and St. James Avenue to Clarendon Street.

f. Boylston Street Northside II (Arlington Street to Clarendon Street)

From the northwesterly corner of Boylston and Arlington Street, northerly along Arlington Street to Public Alley No. 438; westerly along Public Alley No. 438 and an extension thereof to Clarendon Street; southerly along Clarendon Street to Boylston Street; and easterly along Boylston Street to Arlington Street.

g. Boylston Street Southside I (Arlington Street to Berkeley Street)

From the northwesterly corner of Providence Street and Arlington Street, northerly along Arlington Street to Boylston Street; westerly along Boylston Street to Berkeley Street; southerly along Berkeley Street to Providence Street; and easterly along Providence Street to Arlington Street.

h. Boylston Street Southside II (Berkeley Street to Clarendon Street)

From the northwesterly corner of St. James Avenue and Berkeley Street, northerly along Berkeley Street to Boylston Street; westerly along Boylston Street to Clarendon Street; southerly along Clarendon Street to St. James Avenue; and easterly along St. James Avenue to Berkeley Street.

i. Park Square Building Block

From the northwesterly corner of St. James Avenue and Arlington Street, northerly along Arlington Street to Providence Street; westerly along Providence Street to Berkeley Street; southerly along Berkeley Street to St. James Avenue; and easterly along St. James Avenue to Arlington Street.

j. Triangle Block

From the northwesterly corner of Huntington Avenue and Blagden Street, northwesterly along Blagden Street to Exeter Street; southerly along Exeter Street to Huntington Avenue; and easterly along Huntington Avenue to Blagden Street.

SECTION 27B-3: Time Period.

The Boylston Street Interim Planning Overlay District will be in effect for twelve months from the effective date of this article (unless otherwise extended pursuant to Section 27-2(5) or until the effective date of any changes in the underlying zoning adopted pursuant to the process outlined in Section 27B-8, whichever occurs first. At the end of said period, the zoning regulations in the district shall be those in effect prior to the effective date of this article unless revised by said process.

SECTION 27B-4: Characteristics of the District that Suggest the Existing Underlying Zoning May Not be Appropriate.

- a. The existing zoning fails to establish appropriate height limits balancing the demands of new development with the existing environment and the requirements for light and air.
- b. The existing zoning fails to establish appropriate floor area ratios which would avoid excessive traffic and parking problems.
- c. The existing zoning fails to encourage the preservation of historic structures and the maintenance of architectural diversity in the district.
- d. The existing zoning fails to encourage mixed-use development.
- e. The existing zoning fails to prevent excessive development impacts on public open space.

SECTION 27B-5: Goals and Objectives of the Boylston Street Interim Planning Overlay District.

The Board of Appeal shall grant an Interim Planning Permit, pursuant to Section 27B-7, only if it finds that the proposed action would be consistent with the goals stated in section 27B-1(b) and the following specific goals and objectives for the subdistrict involved:

- a. Upper Boylston Street I
 - i. To determine height limits which are appropriate for the subdistrict.
 - ii. To ensure that new development is in scale with existing historic and architecturally significant structures in the subdistrict.
 - iii. To ensure that development is compatible with the adjoining low-density neighborhood.
 - iv. To ensure adequate light and air in the subdistrict.

b. Upper Boylston Street II

- i. To ensure development that is compatible with the adjoining low-density neighborhood.
- ii. To ensure adequate light and air in the subdistrict.
- iii. To determine height limits which are appropriate for the subdistrict.

c. Upper Boylston Street III

- i. To determine height limits which are appropriate for the subdistrict.
- ii. To ensure adequate light and air in the subdistrict.

d. Boylston Street Northside I (Exeter Street to Fairfield Street)

- i. To determine height limits which are appropriate for the subdistrict.
- ii. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict.
- iii. To ensure adequate light and air in the subdistrict.

e. Copley Square (Clarendon Street to Exeter Street)

- i. To determine height limits which are appropriate for the subdistrict.
- ii. To encourage development that is in scale with existing historic and architecturally significant structures in the subdistrict.
- iii. To encourage development that is consistent with the pedestrian scale of development on Newbury and Dartmouth Streets and which insures that Dartmouth Street continues to be a major pedestrian connector between the Charles River Esplanade, Commonwealth Avenue Mall, Newbury Street and the Copley Square transit and open space area.
- iv. To minimize development impacts on public open space.
- v. To ensure adequate light and air in the subdistrict.

f. Boylston Street Northside II (Arlington Street to Clarendon Street)

- i. To determine height limits which are appropriate to the subdistrict.
- ii. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict.

- iii. To ensure adequate light and air in the subdistrict.

g. Boylston Street Southside I (Arlington Street to Berkeley Street)

- i. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict.
- ii. To ensure adequate light and air in the subdistrict.
- iii. To determine height limits which are appropriate to the subdistrict.

h. Boylston Street Southside II (Berkeley Street to Clarendon Street)

- i. To ensure development in accordance with Development Plan for Planned Development Area No. 17.
- ii. To ensure adequate light and air in the subdistrict.

i. Park Square Building Block

- i. To encourage development that is compatible with existing historic and architecturally significant structures in the nearby Boylston Street and Park Square areas.
- ii. To ensure the adequate light and air in the subdistrict.
- iii. To determine height limits which are appropriate for the subdistrict.

j. Triangle Block

- i. To encourage development that is compatible with existing historic and architecturally significant structures in the subdistrict and in the nearby Copley Square area.
- ii. To minimize development impacts on public open space.
- iii. To ensure adequate light and air in the subdistrict.

SECTION 27B-6: Interim Controls.

During the period of the interim planning overlay district, height limitations, floor area ratio and setback requirements shall be as stated in Table I. All other requirements of the Zoning Code shall apply.

SECTION 27B-7: Interim Planning Procedure.

Since it is essential to protect the study area from development that would frustrate the goals of the comprehensive planning process and contemplated zoning changes while the comprehensive planning study is being conducted and contemplated zoning changes are being prepared, the Interim Planning Permit procedure described in Section 27-3 is hereby adopted for the Boylston

Street Interim Planning Overlay District. While the overlay district is in effect, all applicants for a building permit in said district shall apply for an Interim Planning Permit. Any applicant who holds a valid building permit or an approved Development Plan for a Planned Development Area shall be exempt from the requirements of the Interim Planning Overlay District. This procedure is in addition to the requirements and procedures mandated by the underlying zoning.

SECTION 27B-8: Estimated Timetable for Conducting and Completing Comprehensive Planning Study and Rezoning.

- a. Completion of a comprehensive planning study report, including recommendations for new zoning map designations, maximum floor area ratios and height limits: to be completed nine months from the enactment of the overlay district.
- b. Submission to Boston Redevelopment Authority Board of proposed zoning map change if any, for petition to Zoning Commission: to be completed eleven months from the enactment of the overlay district.
- c. Zoning Commission hearing on petition to adopt proposed zoning changes, if any: to be completed twelve months from the enactment of the overlay district.

SECTION 27B-9: Severability.

The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

Petitioner: Boston Redevelopment Authority

By: Stephen Coyle, Director

Address: City Hall, Boston, MA 02201

Telephone
Number: 722-4300, Extension 201

Date: _____

TABLE 1

Boylston Street Interim Planning Overlay District
Interim Controls

<u>Subdistrict and Existing Zoning</u>	<u>Maximum Floor Area Ratio</u>	<u>Setback Above Height of</u>	<u>Height Limit</u>
A. <u>Upper Boylston Street I</u>			
B-10-155	8	90 feet (1)	120 feet
B-4	8	90 feet (1)	120 feet
B-8	8	90 feet (1)	120 feet
B. <u>Upper Boylston Street II</u>			
B-2	2	(2)	(3)
C. <u>Upper Boylston Street III</u>			
B-8	8	(2)	120 feet
D. <u>Boylston Street Northside I</u>			
B-10-155	6	(2)	90 feet
E. <u>Copley Square</u>			
B-10-155	6	65 feet (4)	90 feet
B-8	6	65 feet (4)	90 feet
F. <u>Boylston Street Northside II</u>			
B-10-155	6	(2)	90 feet
G. <u>Boylston Street Southside I</u>			
B-8	8	90 feet (4)	120 feet
B-10	8	90 feet (4)	120 feet
H. <u>Boylston Street Southside II</u>			
B-8-D	(5)	(5)	(5)
I. <u>Park Square Building Block</u>			
B-10	10	(2)	(6)
J. <u>Triangle Block</u>			
B-8	8	90 feet (2)	120 feet

- (1) Setback shall be a minimum of 15 feet from rear rear lot line, and may be up to 35 feet based on design review by the Boston Redevelopment Authority.
- (2) Existing setback requirements in zoning district as specified in zoning code shall apply.
- (3) No height limits shall apply in that the existing floor area ratio of two (2) in the subdistrict provides adequate protection to maintain a low density which is compatible with adjacent residential neighborhoods.
- (4) Setback shall be a minimum of 15 feet from front lot line, and may be up to 35 feet based on design review by the Boston Redevelopment Authority.
- (5) In accordance with requirements of Planned Development Area No. 17 (500 Boylston Street in the Back Bay).
- (6) No height limits shall apply in that the existing floor area ratio of ten (10) in the subdistrict provides adequate protection to maintain a density which is compatible with adjacent development.



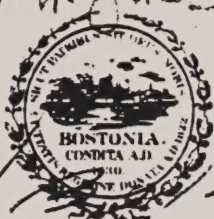
BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

- A** UPPER BOYLSTON STREET I
- B** UPPER BOYLSTON STREET II
- C** UPPER BOYLSTON STREET III
- D** BOYLSTON STREET NORTHSIDE I
- E** COPLEY SQUARE
- F** BOYLSTON STREET NORTHSIDE II
- G** BOYLSTON STREET SOUTHSIDE I
- H** BOYLSTON STREET SOUTHSIDE II
- I** PARK SQUARE BUILDING BLOCK
- J** TRIANGLE BLOCK

McLENNAN
TO GUY
MCLANN
GRACE
WINDER
ALLEN

FOR TZN / M... JTC

1-50
R-1-1-1



Director
S. Allen
M. Fischman

CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
RAYMOND L. FLYNN

April 7, 1986

Mr. Richard Fowler, Chairman
Zoning Commission
City of Boston
One City Hall Plaza
Boston, Ma. 02201

Dear Mr. Fowler:

During the past few days I have met with representatives of the Back Bay, Bay Village, Beacon Hill, Fenway and South End neighborhoods of our City to learn more in depth of their concerns regarding a wide range of matters.

I was very impressed to learn about the cooperative process which emerged between the various neighborhood associations, Back Bay Association, Chamber of Commerce and the Boston Redevelopment Authority in drafting the Interim Planning Overlay District (IPOD) for Boylston Street. I am concerned that the Zoning Commission in approving the IPOD for Boylston Street omitted the so called "triangle" block after a rather long and difficult negotiation process between the parties which resulted in consensus on this matter.

I am sensitive to our need to balance development with protections necessary to preserve the residential character of our neighborhoods in evaluating zoning regulations. The downtown neighborhoods share a unique diversity and need special protections to preserve the quality of life while balancing the benefits of development for the entire City. I strongly urge the Zoning Commission to amend the Boylston Street IPOD to include the "triangle" block at the earliest possible date.

I will continue to keep you informed of my concerns and positions regarding matters which come before your body.

I would greatly appreciate your cooperation on this matter.

Sincerely,

Raymond L. Flynn

Raymond L. Flynn
Mayor

860410-001

M E M O R A N D U M

April 17, 1986

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: SUSAN ALLEN, ASSISTANT DIRECTOR FOR
DEVELOPMENT AND URBAN DESIGN
MITCHELL FISCHMAN, SENIOR PROJECT COORDINATOR,
BACK BAY

SUBJECT: AUTHORIZATION TO PETITION THE ZONING COMMISSION
TO AMEND THE INTERIM PLANNING OVERLAY DISTRICT FOR
BOYLSTON STREET IN THE BACK BAY

On March 21, 1986, the Zoning Commission adopted an Interim Planning Overlay District (IPOD) for Boylston Street in the Back Bay. The proposed IPOD, as sponsored by the Authority and approved at its February 12, 1986 Board Meeting was amended by the Zoning Commission in its March 21st vote to delete Subdistrict J, identified as the "Triangle Block", bounded by Huntington Avenue, Exeter Street and Blagden Street. This amendment to the original proposal occurred despite unanimous support for the original zoning proposal by the Back Bay Association, Neighborhood Association of the Back Bay, Bay Village Neighborhood Association, City Councilor David Scondras and State Representative Thomas Vallely. Both Mayor Flynn and the BRA Director also submitted support letters to the Zoning Commissioners for adoption of the original IPOD proposal.

The major opposition to inclusion of the "Triangle Block" in the Boylston Street IPOD came from owners of property at 15-41 Huntington Avenue and 26-35 Blagden Street in the "Triangle Block". This opposition focused on the Authority's proposed height limit of 120 feet for the Triangle Block sub-district, and was supported by a presentation from architects to a prospective buyer of the above identified properties suggesting that any new residential development would require additional height beyond the 120 feet limit proposed in the "Triangle Block" for the twelve month IPOD period.

The Boylston Street Zoning Study Citizen's Review Committee is concerned about the ability of the City to control new development on the Triangle Block over the next twelve months. In response to this concern, and because the original IPOD boundaries, including the "Triangle Block" were unanimously supported by both Back Bay's residential and business organizations, we recommend that the Director be authorized to amend the Boylston Street Interim Planning Overlay District, known as Text Amendment #82 and Map Amendment #247 to incorporate the Triangle Block (Subdistrict J) provisions as adopted by the Authority on February 12, 1986, substantially in accord with the attached form.

An appropriate vote is attached:

April 17, 1986

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VOTED: That the Director be, and hereby is, authorized to petition the Zoning Commission to amend the Boylston Street Interim Planning Overlay District, known as Text Amendment #82 and Map Amendment # 247 to incorporate the Triangle Block (Subdistrict J) provisions as adopted by the Authority on February 12, 1986, substantially in accord with the attached form.